

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed \$300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and non-economic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

It was decided in the affirmative { Yeas 239
Nays 194

90.6

[Roll No. 372]

AYES—239

Abercrombie	Gibbons	Oberstar
Ackerman	Gillmor	Obey
Andrews (ME)	Gonzalez	Oliver
Andrews (NJ)	Gordon	Ortiz
Andrews (TX)	Green	Owens
Applegate	Gutierrez	Pallone
Bacchus (FL)	Hall (OH)	Pastor
Baesler	Hall (TX)	Payne (NJ)
Baker (LA)	Hamburg	Pelosi
Barca	Hamilton	Peterson (FL)
Barlow	Harman	Peterson (MN)
Barrett (WI)	Hastings	Pickett
Becerra	Hayes	Pickle
Berman	Hefner	Pomeroy
Bevill	Hilliard	Poshard
Bilbray	Hinchey	Price (NC)
Bishop	Hoagland	Rahall
Blackwell	Hochbruckner	Rangel
Bonior	Holden	Reed
Borski	Hoyer	Reynolds
Boucher	Hughes	Richardson
Brewster	Inslee	Roemer
Brooks	Jacobs	Romero-Barcelo
Browder	Jefferson	(PR)
Brown (CA)	Johnson (GA)	Rostenkowski
Brown (FL)	Johnson (SD)	Roybal-Allard
Brown (OH)	Johnson, E. B.	Rush
Bryant	Johnston	Sabo
Byrne	Kanjorski	Sanders
Cantwell	Kaptur	Sangmeister
Carr	Kennedy	Sarpalius
Chapman	Kennelly	Sawyer
Clay	Kildee	Schenk
Clayton	Klecza	Schumer
Clement	Klein	Scott
Clyburn	Klink	Serrano
Coleman	Kopetski	Sharp
Collins (IL)	Kreidler	Shepherd
Collins (MI)	LaFalce	Sisisky
Conyers	Lambert	Skaggs
Cooper	Lancaster	Skelton
Coppersmith	LaRocco	Slattery
Costello	Laughlin	Slaughter
Coyne	Lehman	Smith (IA)
Cramer	Levin	Spratt
Danner	Lewis (GA)	Stark
Darden	Lipinski	Stokes
de la Garza	Lloyd	Strickland
de Lugo (VI)	Long	Studds
Deal	Lowe	Stupak
DeFazio	Maloney	Sweet
DeLauro	Mann	Swift
Dellums	Manton	Synar
Derrick	Margolies-	Tejeda
Deutsch	Mezvinsky	Thompson
Dicks	Markey	Thornton
Dingell	Martinez	Thurman
Dixon	Matsui	Torres
Durbin	McCloskey	Torricelli
Edwards (CA)	McCurdy	Towns
Emerson	McDermott	Traficant
Engel	McHale	Tucker
English (AZ)	McKinney	Underwood (GU)
English (OK)	McNulty	Unsoeld
Eshoo	Meek	Valentine
Evans	Menendez	Velazquez
Faleomavaega	Mfume	Vento
(AS)	Miller (CA)	Volkmer
Farr	Mineta	Waters
Fazio	Minge	Watt
Fields (LA)	Mink	Waxman
Filner	Mollohan	Wheat
Fingerhut	Montgomery	Whitten
Flake	Moran	Williams
Foglietta	Murphy	Wilson
Ford (MI)	Murtha	Wise
Ford (TN)	Nadler	Woolsey
Frost	Natcher	Wyden
Furse	Neal (MA)	Wynn
Gejdenson	Neal (NC)	Yates
Gephardt	Norton (DC)	

NOES—194

Allard	Beilenson	Buyer
Archer	Bentley	Callahan
Armey	Bereuter	Calvert
Bachus (AL)	Bilirakis	Camp
Baker (CA)	Bliley	Canady
Ballenger	Blute	Cardin
Barcia	Boehlert	Castle
Barrett (NE)	Boehner	Clinger
Bartlett	Bonilla	Coble
Bartlett	Bunning	Collins (GA)
Bateman	Burton	Combest

Condit	Inglis	Quinn
Cox	Inhofe	Ramstad
Crane	Istook	Ravenel
Crapo	Johnson (CT)	Regula
Cunningham	Johnson, Sam	Ridge
DeLay	Kasich	Roberts
Diaz-Balart	Kim	Rogers
Dickey	King	Rohrabacher
Dooley	Kingston	Ros-Lehtinen
Doolittle	Klug	Roth
Dornan	Knollenberg	Roukema
Dreier	Kolbe	Rowland
Duncan	Kyl	Royce
Dunn	Lantos	Santorum
Edwards (TX)	Lazio	Saxton
Everett	Leach	Schaefer
Ewing	Levy	Schiff
Fawell	Lewis (CA)	Schroeder
Fields (TX)	Lewis (FL)	Sensenbrenner
Fish	Lightfoot	Shaw
Fowler	Linder	Shays
Frank (MA)	Livingston	Shuster
Franks (CT)	Machtley	Skeen
Franks (NJ)	Manzullo	Smith (MI)
Galleghy	Mazzoli	Smith (NJ)
Gallo	McCandless	Smith (OR)
Gekas	McCollum	Smith (TX)
Geren	McCrery	Snowe
Gilchrist	McHugh	Solomon
Gilman	McInnis	Spence
Gringich	McKeon	Stearns
Glickman	McMillan	Stenholm
Goodlatte	Meehan	Stump
Goodling	Meyers	Sundquist
Goss	Mica	Talent
Grams	Michel	Tanner
Grandy	Miller (FL)	Tauzin
Greenwood	Molinari	Taylor (MS)
Gunderson	Moorhead	Taylor (NC)
Hancock	Morella	Thomas (CA)
Hansen	Myers	Thomas (WY)
Hastert	Nussle	Torkildsen
Hefley	Orton	Upton
Herger	Oxley	Visclosky
Hobson	Parker	Vucanovich
Hoekstra	Paxon	Walker
Hoke	Payne (VA)	Walsh
Horn	Penny	Weld
Houghton	Petri	Wolf
Huffington	Pombo	Young (AK)
Hunter	Porter	Young (FL)
Hutchinson	Portman	Zeliff
Hutto	Pryce (OH)	Zimmer
Hyde	Quillen	

NOT VOTING—6

Henry	Moakley	Rose
McDade	Packard	Washington

So the amendment to the amendment was agreed to.

After some further time,

90.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment, as amended, submitted by Mr. PORTER.

It was decided in the affirmative { Yeas 358
Nays 69

90.8

[Roll No. 373]

AYES—358

Ackerman	Bevill	Cantwell
Allard	Bilbray	Cardin
Andrews (ME)	Bilirakis	Carr
Andrews (NJ)	Blackwell	Castle
Andrews (TX)	Bliley	Chapman
Archer	Blute	Clement
Armey	Boehlert	Clinger
Bacchus (FL)	Boehner	Clyburn
Bachus (AL)	Bonilla	Coble
Baesler	Bonior	Coleman
Baker (CA)	Borski	Collins (GA)
Ballenger	Boucher	Combest
Barca	Brewster	Condit
Barcia	Browder	Cooper
Barlow	Brown (CA)	Coppersmith
Barrett (NE)	Brown (OH)	Cox
Barrett (WI)	Bryant	Cramer
Bartlett	Bunning	Crane
Barton	Burton	Crapo
Bateman	Byrne	Cunningham
Beilenson	Callahan	Darden
Bentley	Calvert	de la Garza
Bereuter	Camp	DeFazio
Berman	Canady	DeLauro